

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:09CR111  
vs. )  
BRANDON J. COLE, )  
Defendant. ) ORDER

This matter is before the court on the motion for an extension of time by defendant Brandon J. Cole (Cole) (Filing No. 15). Cole seeks an extension to June 5, 2009, in which to file pretrial motions in accordance with the progression order (Filing No. 9). Cole has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No.16). Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Cole's motion for an extension of time (Filing No. 15) is granted. Cole is given until **on or before June 5, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 6, 2009 and June 5, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 6th day of May, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge